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AKA Ref.U

GP
1812
#5
MB
05/17/96

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

In re the patent application of: Byoung Se Kwon
For: NEW RECEPTOR AND RELATED PRODUCTS AND METHODS
Filed: June 5, 1995
Application No.: 08/461,652
Art Unit: 1812
Examiner: Curtis, Joseph
Attorney Docket No: IND4-DI1

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MAY 15 1996
GROUP 1800

INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this information Disclosure Statement

1. ☒ Preliminary Statements
2. ☐ FORM PTO - 1449 (Modified)
3. ☒ Statement As To Information Material To Examination Not Found in Patents or Publications
4. ☐ Identification of Prior Application In Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted.
5. ☐ Cumulative patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items.
8. ☐ Translation(s) of Non-English Language Documents
9. ☒ Identification of Person(s) Making This Information Disclosure Statement

CERTIFICATE OF CERTIFIED MAILING

CERTIFIED MAIL NO: P382554567

DATE: 5/2/96

I hereby certify that this paper is being deposited with the U.S. Postal Service as Certified Mail with return receipt requested to Addressee service under 37 CFR 1.8 on the date indicated above and is addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231,.

Judy H. Barron
Judy H. Barron

05/13/96 08461652
1 126 220.00 CK

Section 1. Preliminary statements

Applicant submits herewith patents, publications or other information of which he is aware, which he believes may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.56(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 3. Statement As To Information Material To Examination Not Found in Patents or Publications (Information not listed in PTO 1449)

The sequence from the Schwartz, H. et al., (1993) reference cited as reference DA in applicant's information disclosure statement was submitted to Gen Bank on April 23, 1993 and assigned accession number L 12964 as disclosed in the reference on page 296 in the figure legend for Figure 1. Attached to this statment is a copy of an e-mail message from John O'Neil of Genome Sequence DataBase, User Support Staff. As stated in his communication, this is a print-out of the the submission designated L 12964 which was included in the CD-ROM release of the database. This CD-ROM database is a listing of all of the sequences submissions such that this information was not accessible to the public until Schwarz published his paper. The listing does not include the designation 4-1BB, so one skilled in the art would not have been to identify the sequence as the human homologue of 4-1BB. It is not believed that this sequence submission consitutes a "publication" and therefore, should not be considered as a reference in evaluating the patentability of the claims in the present application.

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted

Section 5. Cumulative Patents or Publications

[] is cumulative of the following patents or publication listed on Form PTO 1449 (modified):

In accordance with 37 CFR 1.98(c) a copy of only _____ is being submitted with this information disclosure statement.

Section 6. Copies of Listed Information Items Accompanying This Statement

Legible copies of all items listed accompany this information statement. [] Exception(s) to above:

[] Items in prior application from which an earlier filing date is claimed for this application as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

Section 7. Concise Explanation of Non-English Language Listed Information Items

Section 8. Translation(s) of Non-English Language Documents

☐ Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material:

☐ No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.

☐ The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.

**Section 9. Identification of Person(s) Making This
INFORMATION DISCLOSURE STATEMENT**

The person making this statement is

(a) ☐ the inventor(s) who signs below


SIGNATURE OF INVENTOR
Name:

(b) ☒ the attorney who signs below on the basis of:

☐ the information supplied by the inventor(s)

☐ an individual associated with the filing and prosecution of this application (37 CFR 1.56(c)).

☒ the information in the attorney's file



Christopher A. Michaels, Reg. No. 34,390
306 East State Street - Suite 220
Ithaca, New York 14850
Voice: (607) 273-1711 Fax: (607) 273-2609

Date: Fri, 27 Oct 1995 10:41:27 +0700
From: jmo@ncgr.org (John Markos O'Neill)
To: bbm@lightlink.com
Subject: L12964 flatfile
X-Sun-Charset: US-ASCII

Dear Mr. Michaels:

Here is a copy of the flatfile of L12964 from the June, 1993 GenBank CD-ROM release. The date at the top of the file is the release date from that version of the entry.

I hope that this is helpful to you.

Sincerely yours,

John O'Neill

~~~~~  
Genome Sequence DataBase (GSDB)  
User Support Staff

505-982-7840  
FAX: 505-982-7690

GSDB Submissions  
GSDB Updates  
World Wide Web Site

datasubs@gsdb.ncgr.org  
update@gsdb.ncgr.org  
<http://www.ncgr.org>

----- Begin Included Message -----

LOCUS HUMILAX 1419 bp ss-mRNA PRI  
30-APR-1993  
DEFINITION Human activation dependent T cell mRNA, complete cds.  
ACCESSION L12964  
KEYWORDS cell surface receptor; nerve growth factor receptor;  
tumor necrosis factor receptor.  
SOURCE Homo sapiens cDNA to mRNA.  
ORGANISM Homo sapiens  
Eukaryota; Animalia; Chordata; Vertebrata; Mammalia;  
Theria;  
Eutheria; Primates; Haplorhini; Catarrhini; Hominidae.  
REFERENCE 1 (bases 1 to 1419)  
AUTHORS Schwarz,H., Tuckwell,J.E. and Lotz,M.  
TITLE Nucleotide sequence of ILA, a cDNA encoding a new member  
of the human nerve growth factor/tumor necrosis factor receptor  
family  
JOURNAL Unpublished (1993)  
STANDARD full automatic  
FEATURES Location/Qualifiers  
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3'UTR 908..1419

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1321 cctcccaaag tgctgggatt acagacatga actgccaggc ccggccaaaa  
taatgcacca

1381 cttttaacag aacagacaga tgaggacaga gctgggtgat

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----- End Included Message -----



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Washington, D.C. 20231

In re the patent application of: Byoung Se Kwon  
For: NEW RECEPTOR AND RELATED PRODUCTS AND METHODS  
Filed: June 5, 1995  
Application No.: 08/461,652  
Art Unit: 1812  
Examiner: Curtis, Joseph  
Attorney Docket No: IND4-DI

18C  
4-19

Transmitted herewith is:  
[X] Information disclosure statement

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COMM-FEE

## Fees Calculated as Follows:

|                             | No.<br>Claims | Less | Claims | = | No.<br>Extra | Times<br>Small Entity<br>Fee | = | Fee    |
|-----------------------------|---------------|------|--------|---|--------------|------------------------------|---|--------|
| Basic Fee                   |               |      |        | = |              | \$375                        | = |        |
| Total Claims                |               | -    | 20     | = |              | \$ 11                        | = |        |
| Independent Claims          |               | -    | 3      | = |              | \$ 39                        | = |        |
| Mult. Dependent Claims      |               |      |        | = |              | \$125                        | = |        |
| Assignment Recording Fee    |               |      |        |   |              | \$ 40                        |   |        |
| Extension of time to reply: |               |      |        |   |              |                              |   |        |
| [ ] One Month               |               |      |        |   |              | \$ 55                        |   |        |
| [ ] Two Months              |               |      |        |   |              | \$190                        |   |        |
| [ ] Three Months            |               |      |        |   |              | \$450                        |   |        |
| Other: IDS submission       |               |      |        |   |              |                              |   | \$ 220 |
| Total Fees:                 |               |      |        |   |              |                              |   | \$ 220 |

[X] A check is attached hereto for the above fees in the amount of \$220.00 to cover the submission of the attached Information Disclosure Statement.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-0910. A duplicate of this transmittal is attached.

Date: 5/2/96

Christopher A. Michaels, Reg. No. 34,390  
BARNARD, BROWN & MICHAELS  
306 E. State Street, Suite 220  
Ithaca, New York 14850  
Voice: (607) 273-1711 Fax: (607) 273-2609

## CERTIFICATE OF CERTIFIED MAILING

CERTIFIED MAIL NO: P382554567 DATE: 5/2/96

I hereby certify that this paper is being deposited with the U.S. Postal Service as Certified Mail with return receipt requested to Addressee service under 37 CFR 1.8 on the date indicated above and is addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
Judy H. Barron